

### **REMARKS**

In the final office action mailed April 30, 2008, the Examiner objected to the specification, rejected Claims 3 and 4 under 35 U.S.C. § 112 and further rejected Claims 1 – 3, 5 and 6 under 35 U.S.C. § 102(b) as being anticipated by the Kroy reference (U.S. Patent No. 5,252,294). The examiner further rejected Claim 4 under 35 U.S.C. § 103 as being obvious in light of Kroy in view of Mainquist et al. (U.S. Patent No. 6,543,014). By this paper, the Applicant has amended the specification and claims to address the informalities noted by the Examiner and has further amended the claims to highlight the subject matter the Applicant believes is allowable over the art of record. Hence, reconsideration of the above-captioned application in light of the amendments and remarks contained herein is now respectfully requested.

By this paper, Paragraph 43 of the specification has been amended to remove the unnecessary period and parenthesis. Further, by this paper, the Applicant has amended Claim 1 to highlight that the probe carrier has at least one probe associated therewith. This provides antecedent support for the use of the term probe in Claim 3 and also for the further recitation in Claim 4 that the probe can be either attached or free. The Applicant therefore submits that Claims 3 and 4, as amended now comply with the requirements of 35 U.S.C. § 112.

With respect to the rejections under 35 U.S.C. §§ 102 and 103, the Applicant notes neither Kroy or Mainquist disclose or teach the concept of a chamber array wherein each chamber has a bottom surface with a surface that is smaller than the bottom surface area of a well of a standard 24, 96 or 384 well microtiter plate (*See, e.g.*, Claim 1 as amended). Kroy discloses a micromechanical structure that has a mask-formed etched structure which includes a bottom surface with depressions formed into an array. Further, Kroy has a lid structure that has humps that are located at positions that correspond to the depressions. Thus, when assembled, Kroy defines a plurality of micro containments.

Kroy is, however, silent with respect to surfaces that are configured to receive the microtiter plates that are recited in Claim 1 as amended. Thus, Kroy cannot be said to anticipate Claim 1 as amended.

In contrast, the Applicant's invention allows users to easily design an array harboring particular probes required for performing a desired assay without having to use a large number of

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probes that are not of real interest. Further, the use of industry standard dimensions allows the arrangement to be used without having to re-design new wells for each application. Thus, existing devices can be easily used in conjunction with the arrangement of Claim 1.

Moreover, Kroy is not directed towards the concept of a container that has freely moveable probe carriers which can be inserted into wells of standard microtiter plates which allows the user of the arrangement defined by Claim 1 to easily develop specific arrays and assays. As such, we submit that Kroy does not teach the invention as defined by Claim 1 as amended. Further, Mainquist also does not appear to teach this concept. For this reason, the Applicant believes that Claim 1 as amended is allowable over the art of record. The remaining claims define additional patentable subject matter and are further allowable due to their respective dependency on Claim 1.

*No Disclaimers or Disavowals*

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

*Co-Pending Applications of Assignee*

Applicant wishes to draw the Examiner's attention to the following co-pending patent of the present application's assignee.

Serial Number	Title	Filed
10/783,412 (U.S. Patent No. 7,219,800)	MODULAR ARRAY ARRANGMENTS	05/22/2007

**Application No.:** 10/783,409  
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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